

46 Am. Jur. 2d Judges § 7

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Judges

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II. Qualification and Selection

§ 7. Method of selection of judge

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  3, 4, 5

In the absence of constitutional restrictions, the legislature has the power to prescribe the method of selection of judges.¹ However, where the method of selection is prescribed by constitution, the legislature has no power to change it.² A statute granting a state judicial council authority to recommend the retention or nonretention of sitting judges in retention elections did not violate the state constitution; the section of the constitution requiring judges to be subject to approval or rejection on a nonpartisan ballot vested broad power in the legislature with regard to the council.³ Also, the election of judges to a court of appeals and court of criminal appeals on a statewide basis is entirely consistent with the constitutional requirement that judges of those courts be elected only by the qualified voters of the district or circuit to which they are assigned; the intermediate appellate judges are each members of one, single, unified court, be it the court of appeals or the court of criminal appeals, that serves the entire state, and because they are not assigned to any district or circuit or grand division, they serve the entire state, notwithstanding the statutory limitation on judicial residence by grand division.⁴

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Footnotes

- 1 [Renaud v. State Court of Mediation and Arbitration](#), 124 Mich. 648, 83 N.W. 620 (1900).
- 2 [State ex rel. Madden v. Crawford](#), 207 Or. 76, 295 P.2d 174 (1956).
- 3 [Alaska Judicial Council v. Kruse](#), 331 P.3d 375 (Alaska 2014).
- 4 [Hooker v. Haslam](#), 437 S.W.3d 409 (Tenn. 2014).

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